IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4749 of 1994

Between:

V.Kondapa Naidu, S/o. Raghavulu Naidu,

Aged 31 years, 10-32-3, Co-operative Colony,

Kavali, Nellore District.

..... PETITIONER

AND

1. The Registrar, Sri Venkateswara University,

   Tirupati, Chittoor district.

2. The Deputy Registrar, (Admn.), S.V. University,

Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in conducting the interviews preventing the others from attending the interviews by illegal methods as arbitrary, void, unconstitutional violative of principles of natural justice and illegal and consequently set aside the interviews conducted on 16-03-1994 for the post of Geo-Hydrological Assistant and further direct the respondents to conduct the interviews by sending call letters to all the applicants to their correct addresses and after giving sufficient time for attending the interview and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.T.Rajendra Prasad

Counsel for the Respondents: Sri P.Sreeramulu Naidu

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.4749 OF 1994

-

ORAL ORDER :

The petitioner seeks a Writ of Mandamus declaring the alleged action of the respondents in conducting interviews by illegal methods as arbitrary, unconstitutional violative of principles of natural justice and consequently set aside the interviews conducted on 16-03-1994 for the post of Geo-Hydrological Assistant.

The case of the petitioner is that the 2nd respondent – Deputy Registrar (Administration), S.V. University, Chittoor District issued a Circular dated 31-12-1993 inviting applications for the post of Geo-Hydrological Assistant in the Department of Geology, S.V. College of Arts and Science. As per the said

notification, the last date for submitting the applications was 17-01-1994. It is alleged that the said notification was not published in any newspaper and it was only circulated internally within the departments which is contrary to the practice in vogue in the University. The petitioner who claims to have passed M.Sc. and a Doctorate in Geo-Hydrology submitted an application on 17-01-1994. About 30 other candidates also submitted their applications for the said post. However, the petitioner did not receive any call letter and subsequently he came to know that the interviews were already over on 16-03-1994 and that about 20 persons have attended the interview. It is alleged that purposefully the call letter was sent to him to a wrong address and consequently he did not receive the same and could not attend the interview. It is also alleged that the authorities have intentionally adopted the said method so as to prevent the petitioner and other eligible candidates from attending the interview and to appoint their own candidate by name Sri Janardhan Raju. Hence, the Writ Petition seeking the above stated relief.

This Court while issuing Rule Nisi, by order dated 18-03-1994 in W.P.M.P.No5831 of 1994 ordered that any appointments made in pursuance of the impugned notification shall be subject to the result of the writ petition.

A detailed counter-affidavit has been filed on behalf of the first respondent University stating that initially the vacancies were notified under Circular dated 23-09-1992, however, the interview could not be conducted in pursuance of the said notification due to administrative reasons. Thereafter, Circular dated 31-12-1993 was issued in the prescribed form and the same was sent to the various Heads of Departments calling for applications from the candidates whose names are borne of the establishment of the University including the work-charged employees. That apart, vide letter dated 27-12-1993 the Regional Employment Exchange, Hyderabad was also requested to sponsor suitable candidates and in pursuance thereof Regional Employment Exchange sponsored 20 candidates. It is further stated that the practice of calling applications from internal candidates is in vogue since several years in the University and the same is in accordance with law. It is further stated that the petitioner has submitted his application in pursuance of both the notifications dated 23-09-1992 and 31-12-1993 and call letters were sent to him to the address furnished by him. It is also stated that the interview was held on 16-03-1994. The

petitioner received call letter much prior to that and the same was acknowledged by him. The allegation that the qualified candidates were prevented from attending the interview has been categorically denied and it is stated that as a matter of fact as per the orders of the Vice Chancellor, dated 11-03-1994 all those research fellows who applied in response to the Circular dated 23-09-1992 were also considered. It is further stated that the Selection Committee constituted by the University conducted interviews on 16-03-1994 and one Sri N.Janardhana Raju was recommended and he was appointed by the University by proceedings dated 18-03-1994.

From the averments of the counter-affidavit, it is clear that the petitioner was also sent call letter to the address furnished by him much prior to the interview which was held on 16-03-1994. The petitioner did not choose to file any reply affidavit contradicting the stand taken by the respondents. As a matter of fact, the petitioner himself filed a copy of the call letter dated 11-03-1994 sent to him to the University college hostel. The petitioner also states that at the relevant point of time he was residing at Kavali. The specific plea of the respondents that the call letter was sent to the address furnished by the petitioner himself has not been denied by the petitioner. If that be so, there is no infirmity in the procedure followed by the respondents and all the allegations made by the petitioner are unfounded. In the light of the unrebutted averments in the counter-affidavit filed by the 1st respondent, I do not find any substance in anyone of the contentions raised by the petitioner. The writ petition is misconceived and devoid of any merit.

Accordingly, the Writ Petition is dismissed. No costs.

15th July, 2004.

gbs

To

1.The Registrar, Sri Venkateswara University,

Tirupati, Chittoor district.

2. The Deputy Registrar, (Admn.), S.V. University,

Chittoor District.

3. 2 CD copies.